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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/052,673	03/31/1998	RICHARD E. ANDERSON	11232	9401
7590 PAUL J ESATTO, JR. SCULLY SCOTT MURPHY & PRESSER 400 GARDEN CITY PLAZA GARDEN CITY, NY 11530			EXAMINER FOTAKIS, ARISTOCRATIS	
			ART UNIT 2611	PAPER NUMBER
			MAIL DATE 06/21/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

09/052,673

**Applicant(s)**

ANDERSON, RICHARD E.

**Examiner**

ARISTOCRATIS FOTAKIS

**Art Unit**

2611

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05/10/2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 - 5, 7 - 10 and 13 - 15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 5, 7 - 10 and 13 - 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notices of Informal Patent Application.
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1 - 5, 7 - 10 and 13 - 15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding the independent claims 1, 3, 7 and 13, the claims recite "...determining the difference between the local and program clock frequencies, then adjusting the frequency at which the local clock oscillates so that the difference approaches zero." However, according to Figure 7 of the instant application, the adjusting step is performed only when there is difference between the values stored in the "PCR register 701" and "latched STC register 704". The specification of the instant application never teaches determining the difference between the local and program clock frequencies before the step of adjusting. The applicant may argue that determining the difference between the values of PCR and STC is equivalent to

determining the difference between the local and program clock frequencies. The applicant is referred to the blocks "calculate difference in clock rate, (frequency)" and "calculate difference in PCR and STC value" in Figure 9 of the instant application. It appears that the difference in PCR and STC value" and "the difference in clock frequency" are not the same in the instant application.

Regarding claims 2 and 3, the applicant is requested to indicate which portion of the specification has support on the claimed limitation of "maintaining a program clock value based on the program clock signals received at the decoder".

### ***Response to Arguments***

Applicant's arguments filed May 10, 2011 have been fully considered but they are not persuasive.

Applicants submit that the difference between the PCR and STC values is not the same as the frequency difference between the program and system clocks, but that frequency difference can be calculated using the PCR and STC values. Moreover, the determination of this frequency difference is done before adjusting the frequency of the local clock.

Examiner submits that one having ordinary skilled in the art would have not known or understood how to calculate the frequency difference between the program

and system clocks by using the previous PCR and STC values. According to the Applicants specification, the PCR and STC values are time stamps. As its well known in the art, a time stamp is defined as the time at which a certain event occurred. Therefore, one skilled in the art would have not known how to use the previous time stamp values to calculate the frequency difference between the current program and system clocks.

Applicants submit that the specification teaches that the decoder receives the program clock signals on pages 4 - 6 of the application. In this portion of the specification, it is explained that the program clock recovery (PCR) data, which is shown in Figure 2, is in the MPEG 2 bitstream, and that this bitstream is applied to decoder 301, shown in Figure 3. Control data, including the PCR data, are then applied to the system time clock generator, which includes the system time clock (STC). Accordingly, this step is clearly explained and supported in the application.

Examiner submits that Applicants background of the invention may teach of the PCR data and the decoder. However, it is still not clear which portion in the specification has support on the limitation of "*maintaining a program clock value based on the program clock data received at the decoder*". What is the difference between the program clock value and the program clock data?

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ARISTOCRATIS FOTAKIS whose telephone number is (571)270-1206. The examiner can normally be reached on Monday - Friday 6:30 - 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh M. Fan can be reached on (571) 272-3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aristocratis Fotakis/

Examiner, Art Unit 2611

/CHIEH M FAN/

Supervisory Patent Examiner, Art Unit 2611